

**FILED**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

AUG 06 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

COLUMBIA PICTURES, INDUSTRIES INC., a )  
Delaware corporation; and TWENTIETH )  
CENTURY FOX FILM CORPORATION, a )  
Delaware corporation, )

Plaintiffs, )

vs. )

VERONICA HOBSON, an individual, )

Defendant. )

No.:

**08 C50166**

*Reinhard*

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

COLUMBIA PICTURES INDUSTRIES, INC. and TWENTIETH CENTURY FOX FILM CORPORATION complain against VERONICA HOBSON ("Defendant") as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
3. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a), because Defendant resides in this District and the acts of infringement complained of herein originated in this District.

**PARTIES**

4. Plaintiffs Columbia Pictures Industries, Inc. and Twentieth Century Fox Film Corporation (collectively, the "Plaintiffs") are among the world's leading creators and distributors of motion pictures. Plaintiffs bring this action to stop Defendant from copying and

distributing to others over the Internet unauthorized copies of the Plaintiffs' copyrighted motion pictures. Defendant's infringements allow Defendant and others to unlawfully obtain and distribute for free unauthorized copyrighted works that the Plaintiffs spend millions of dollars to create and/or distribute. Each time Defendant unlawfully distributes a free copy of one of the Plaintiffs' copyrighted motion pictures to others over the Internet, each person who copies that motion picture can then distribute that unlawful copy to others without any significant degradation in sound and picture quality. Thus, Defendant's distribution of even one unlawful copy of a motion picture can result in the nearly instantaneous worldwide distribution of that single copy to a limitless number of people. The Plaintiffs now seek redress for this rampant infringement of their exclusive rights.

5. Plaintiff Columbia Pictures Industries, Inc. is a Delaware corporation, with its principal place of business at 10202 West Washington Boulevard, Culver City, California. Columbia Pictures Industries, Inc. ("Columbia") is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Columbia is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

6. Plaintiff Twentieth Century Fox Film Corporation is a Delaware corporation, with its principal place of business at 10201 West Pico Boulevard, Los Angeles, California. Twentieth Century Fox Film Corporation ("Fox") is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Fox is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

7. Upon information and belief, Defendant, an individual, resides in this District.

## COUNT I

### INFRINGEMENT OF COPYRIGHTS

8. The Plaintiffs are responsible for the creation, development, production and distribution of numerous commercially released motion pictures.

9. At all relevant times the Plaintiffs have been the holders of the pertinent exclusive rights infringed by Defendant, as alleged hereunder, for certain copyrighted motion pictures, including, but not limited to, *Zathura a Space Adventure* and *Ice Age* (collectively, the "Copyrighted Motion Pictures"). Each of the Copyrighted Motion Pictures is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. True and correct copies of these Certificates of Copyright Registration are attached hereto as Exhibit A.

10. Each of the Copyrighted Motion Pictures contains a copyright notice advising the viewer that the motion picture is protected by the copyright laws.

11. The Plaintiffs are informed and believe that Defendant, without the permission or consent of the Plaintiffs, has used, and continues to use, KaZaA, an online media distribution system to distribute to the public, including by making available for distribution to others, on or about January 12, 2006, the Copyrighted Motion Pictures. In doing so, Defendant has violated the Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of the Plaintiffs' exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101 *et seq.*).

12. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiffs.

13. As a result of Defendant's infringement of the Plaintiffs' exclusive rights under copyright, the Plaintiffs are entitled to relief pursuant to 17 U.S.C. § 504, and to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

14. Defendant's conduct is causing, and unless enjoined and restrained by this Court will continue to cause, the Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. The Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, the Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing the Plaintiffs' copyrights and ordering that Defendant destroy all copies of the Copyrighted Motion Pictures made in violation of the Plaintiffs' copyrights.

WHEREFORE, the Plaintiffs pray for judgment against Defendant as follows:

1. For entry of preliminary and permanent injunctions providing Defendant shall be enjoined from directly or indirectly infringing the Plaintiffs' rights in the Copyrighted Motion Pictures and any motion picture, whether now in existence or later created, that is owned or controlled by the Plaintiffs ("the Plaintiffs' Motion Pictures"), including without limitation by using the Internet to reproduce or copy any of the Plaintiffs' Motion Pictures, to distribute any of the Plaintiffs' Motion Pictures, or to make any of the Plaintiffs' Motion Pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of the Plaintiffs. Defendant also shall destroy all copies of the Plaintiffs' Motion Pictures that Defendant has downloaded onto any computer hard drive or server without the Plaintiffs' authorization and shall destroy all copies of those

downloaded motion pictures transferred onto any physical medium  
or device in Defendant's possession, custody, or control.

2. For actual damages or statutory damages pursuant to 17  
U.S.C. § 504, at the election of the Plaintiffs.
3. For the Plaintiffs' costs.
4. For the Plaintiffs' reasonable attorneys' fees.
5. For such other and further relief as the Court deems proper.

COLUMBIA PICTURES INDUSTRIES,  
INC., and TWENTIETH CENTURY FOX  
FILM CORPORATION

DATED: August 6, 2008

By: /s/ Sharon A. Ceresnie  
Douglas N. Masters  
Sharon A. Ceresnie  
LOEB & LOEB LLP  
321 North Clark Street  
Chicago, IL 60654  
Phone: (312) 464-3100  
Fax: (312) 464-3111  
dmasters@loeb.com  
sceresnie@loeb.com

08 C 501 66

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AUG 06 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

EXHIBIT A

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America



Form PA

For a Work of Performing Arts  
UNITED STATES COPYRIGHT OFFICE

REG: PA 1-267-325



EFFECTIVE DATE OF REGISTRATION

11-10-05

Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼  
ZATHURA A SPACE ADVENTURE

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

2

a NAME OF AUTHOR ▼  
Columbia Pictures Industries Inc

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a  
"work made for hire?"

☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_ USA

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼  
Entire work (see Space 6)

NOTE

Under the law the author of a "work made for hire" is generally the employer not the employee (see instructions). For any part of this work that was made for hire check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as "Author" of that part and leave the space for dates of birth and death blank.

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a  
"work made for hire?"

☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a  
"work made for hire?"

☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

3

a YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED This information  
must be given  
in all cases. 2005 Year

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
ONLY if this work  
has been published. Month November Day 10 Year 2005

Puerto Rico

4

See instructions  
before completing  
this space

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as  
the author given in space 2. ▼

Columbia Pictures Industries, Inc  
10202 W Washington Blvd  
Culver City, CA 90232-3195

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in  
space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

NOV 10 2005

ONE DEPOSIT RECEIVED

NOV 10 2005

TWO DEPOSITS RECEIVED

(6) 55mm/L

FUNDS RECEIVED

MORE ON BACK ► Complete all applicable spaces (numbers 5-8) on the reverse side of this page

DO NOT WRITE HERE

EXAMINED BY	FORM PA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes" give Previous Registration Number ☐ Year of Registration ☐

5

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work, complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ☐

Book by Chris Van Allsburg entitled "Zathura A Space Adventure" (TX 5-661-245) Previously published musical compositions and sound recordings of compositions, previously published motion picture/sports/news clips and video game footage, previously published books, artwork, photography, posters

a 6  
See instructions before completing this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐

Entire motion picture except as described in Space 6a

b

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ☐ Account Number ☐

THOMSON COMPUMARK  
DA 061794

a 7

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ☐

See Space 9

b

Area code and daytime telephone number (310) 244-7553  
Email gayle\_mcdonald@spe.sony.com

Fax number (310) 244-2366

**CERTIFICATION** I, the undersigned, hereby certify that I am the

Check only one ☐

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)

☒ authorized agent of Columbia Pictures Industries, Inc.  
(Name of author or other copyright claimant, or owner of exclusive right(s))

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

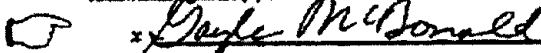
8

Typed or printed name and date ☐ If this application gives a date of publication in space 3, do not sign and submit it before that date

Gayle McDonald

Date November 10, 2005

Handwritten signature (X) ☐



Certificate will be mailed in window envelope to this address

Name <input type="checkbox"/>	Gayle McDonald Columbia Pictures Industries Inc
Number/Street/Apt. <input type="checkbox"/>	10202 W Washington Blvd
City/State/ZIP <input type="checkbox"/>	Culver City, CA 90232-3195

Complete all necessary spaces  
Sign your application in space 6

1. Application form
2. Nonreturnable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit material

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20540-4000

From an subject to change form must be brought to the attention of the Copyright Office

9

17 U.S.C. § 506(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application, shall be fined not more than \$20,000



## CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
REGISTER OF COPYRIGHTS  
United States of America

## FORM PA

For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE  
REGI

PA 1-072-377



EFFECTIVE DATE OF REGISTRATION

MAR 12 2002

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

ICE AGE

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions

FEATURE MOTION PICTURE - ( )

NAME OF AUTHOR

a Twentieth Century Fox Film Corporation

Was this contribution to the work a "work made for hire"?

☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in UNITED STATES

DATES OF BIRTH AND DEATH

Year Born

Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☒ No

Pseudonymous?

☐ Yes ☒ No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP

Briefly describe the nature of material created by this author in which copyright is claimed

Entire Work

NAME OF AUTHOR

b

Was this contribution to the work a "work made for hire"?

☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

DATES OF BIRTH AND DEATH

Year Born

Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☒ No

Pseudonymous?

☐ Yes ☒ No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP

Briefly describe the nature of material created by this author in which copyright is claimed

NAME OF AUTHOR

c

Was this contribution to the work a "work made for hire"?

☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

DATES OF BIRTH AND DEATH

Year Born

Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☒ No

Pseudonymous?

☐ Yes ☒ No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP

Briefly describe the nature of material created by this author in which copyright is claimed

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED

2002

Year

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month 02 Day 21 Year 2002

UNITED STATES

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2

Twentieth Century Fox Film Corporation  
P.O. Box 900  
Beverly Hills, California 90213

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright

APPLICATION  
MAR 12 2002

ONE DEPOSIT RECEIVED

MAR 12 2002 (5) 35mm/L

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK Complete all applicable spaces (numbers 5-9) on the reverse side of this page  
See detailed instructions. Sign the form at line 8

DO NOT WRITE HERE  
Page 1 of 2 pages

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing space